

## REGULATION 25

### INDEPENDENT AGENTS

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#### **25.010 Definitions.**

1. "Chair" means the Chair of the Nevada Gaming Control Board or the Chair's designee.
2. "Customer Incentive" means any inducement extended by a licensee to a person to gamble at the licensee's establishment including, without limitation, discounts, airfare, money, gifts of personal property, negotiable chips, promotional chips, or any representative of value.
3. "Independent agent" has the meaning ascribed to it in Nevada Revised Statute 463.0164.
4. "Registered independent agent" means an independent agent who registers with the Board pursuant to section 25.020.
5. "Theoretical earning potential" means the average bet of a patron multiplied by hours played by the patron multiplied by decisions per hour of the patron multiplied by house advantage for the game played by the patron. (Theoretical earning potential = (average bet) \* (hours played) \* (decisions per hour) \* (house advantage)).

(Adopted: 10/72. Amended: 3/91; 5/92; 3/18; 8/19.)

#### **25.020 Registration.**

1. An independent agent who:
    - (a) Has authority from a licensee to authorize customer incentives with a cumulative value exceeding \$10,000 in a calendar year;
    - (b) Receives compensation from a licensee for his or her services as an independent agent; or
    - (c) Approves or grants the extension of gaming credit on behalf of a licensee or collects a debt evidenced by a credit instrument,shall register with the Board and be subject to the provisions of this section and Regulation 4.200. An independent agent shall have a written agreement with the licensee evidencing such authority or compensation.
  2. A licensee shall not compensate an independent agent who must register pursuant to subsection 1 for services rendered until the Chair notifies the licensee in writing that the independent agent is registered with the Board.
  3. The independent agent shall provide its completed application for registration or renewal of registration to the licensee for transmittal to the Board. The licensee shall transmit such application to the Board within 60 days of the licensee's receipt of the complete filing. The Board may reject a filing made directly by an independent agent.
  4. Once registered with the Board, an independent agent can act on behalf of one or more licensees.
- (Adopted: 10/72. Amended: 3/91; 5/92; 3/18; 8/19; 7/22.)

**25.025 Independent agent compensation.** A licensee shall not compensate an independent agent based on the actual earnings or profits from any gambling game played by a patron or patrons unless the independent agent has been found suitable by the Commission to act as an independent agent. A licensee may compensate an independent agent based on theoretical earning potential.

(Adopted: 3/18.)

#### **25.030 Determination of suitability.**

1. The Commission may require a finding of suitability of an independent agent at any time. The Commission shall give written notice to the independent agent and any licensee having an agreement with

the independent agent on file with the Board that the independent agent must file an application for finding of suitability. The Commission retains jurisdiction to determine the suitability of an independent agent even if the licensee terminates its relationship with the independent agent or the independent agent is otherwise no longer functioning as an independent agent.

2. If an independent agent does not file an application for a finding of suitability within 30 days following receipt of notice that the Commission is requiring the independent agent to file an application for a finding of suitability, the Board shall notify all licensees with which such independent agent has an active agreement. Upon such notice, a licensee shall provide documentary evidence that the independent agent no longer acts as an independent agent for the licensee. Failure of the licensee to respond as required by this section shall constitute grounds for disciplinary action.

3. If the Commission finds a registered independent agent to be unsuitable, the registration of such registered independent agent is thereupon cancelled. A licensee or independent agent shall, upon written notification of a finding of unsuitability, immediately terminate all relationships, direct or indirect, with such independent agent. Failure to terminate such relationships may be deemed to be an unsuitable method of operation. No determination of suitability of an independent agent shall preclude a later determination by the Commission of unsuitability.

4. Upon the Commission requiring a person who is required to be registered by section 25.020 to apply for a finding of suitability, the person does not have any right to the granting of the application. Any finding of suitability hereunder is a revocable privilege, and no holder acquires any vested right therein or thereunder. Judicial review is not available for decisions of the Board and Commission made or entered under the provisions of this section.

(Adopted: 10/72. Amended: 3/91; 5/92; 3/18; 8/19.)

#### **25.040 Required reports and recordkeeping.**

1. Each licensee shall, within 30 days, notify the Board by electronic mail through an electronic mail address designated by the Board of:

- (a) Any new agreement between a licensee and an independent agent; and
- (b) Any termination of an agreement between a licensee and an independent agent. Such notification of termination must include truthful statements of the reason for the termination. A licensee shall provide any additional information regarding a termination as required by the Chair.

2. No later than February 15 of each year, each licensee shall provide to the Board separate lists of registered independent agents:

(1) Whose agreement with the licensee terminated in the preceding calendar year. This list must include the total compensation paid in that year to each registered independent agent on the list.

(b) Whose agreement with the licensee is currently active. This list must include the total compensation paid in the preceding calendar year to each registered independent agent on the list.

3. The licensee shall retain in its files for a 5-year period and make available for inspection by the Board, upon request:

(a) The state or country of origin and dates of stays by patrons arranged by a registered independent agent;

(b) The total amount of gaming credit extended to such patrons that remains unpaid following their departure; and

(c) Any other information required by the Chair regarding any business arrangement between the licensee and an independent agent.

4. The licensee shall submit a copy of its standard controlling agreement with independent agents to the Board on or before January 31 each calendar year. The licensee shall report any change to its standard controlling agreement with independent agents and submit a new copy of the agreement to the Board within 30 days of such change. The licensee shall submit a copy of any agreement for the services of an independent agent which deviates from the standard controlling agreement to the Board within 30 days of the execution of such agreement.

(Adopted: 10/72. Amended: 3/91; 5/92; 3/18; 8/19; 7/22.)

**25.050 Mandatory requirements.** Every agreement, including, without limitation, any agreement of employment, between a licensee and an independent agent who is required to register pursuant to section 25.020 must contain the following conditions:

1. If the Commission determines the independent agent is unsuitable, the agreement shall thereupon terminate unless the Commission orders otherwise.

2. The agreement is not effective and the independent agent who is required to register pursuant to section 25.020 is not entitled to and may not be paid any compensation until the licensee receives notice that the Chair has registered the independent agent. An independent agent who is required to register pursuant to section 25.020 is not entitled to any compensation for services listed in section 25.020 if the Chair objects to the registration and, if review of the objection is requested, such objection is sustained.

(Adopted: 5/92. Amended 3/18; 8/19.)

**25.060 Reporting requirements for registered independent agents. [Repealed 3/22/18. Repeal effective 5/1/18.]**

## **End – Regulation 25**